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EXTRAORDINARY

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MINISTRY OF LABOUR

NOTIFICATION

New Delhi, the 25th February 1953

S.R.O. 395.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (XIV of 1947), the Central Government hereby publishes the following award of the All India Industrial Tribunal (Bank Disputes), in respect of an application under section 33-A of the said Act preferred by Shri Raghuvir Purshottam Valude of the United Commercial Bank Limited.

AWARD

**BEFORE THE ALL INDIA INDUSTRIAL TRIBUNAL (BANK DISPUTES)
BOMBAY**

APPLICATION No. 15 OF 1952

United Commercial Bank Ltd

versus

Sri Raghuvir Purshottam Valude.

This is an application by the United Commercial Bank Ltd. under Section 33 of the Industrial Disputes Act, 1947 for permission to terminate the services of Sri Raghuvir Purshottam Valude, a clerk working in the Bombay branch of the Bank. The Bank suspended him after he was arrested by the Police sometime in February 1952 and released on bail. The subsequent prosecution against him was in connection with an attempt to cheat certain persons at the race course. After protracted trial in the 6th Presidency Magistrate's Court, Bombay, this employee was acquitted. The judgment of the Magistrate is before us. It appears therefrom that there was no proper proof that this accused was the person who participated in the alleged act of cheating. Although four witnesses had identified him as one of the gang, the Magistrate was not satisfied that there was satisfactory proof of identification. We have gone through the judgment carefully.

The workman, after his acquittal, applied to the Bank to be permitted to join duty. He was informed that the Bank was awaiting the orders of this Tribunal on the main application for permission to terminate his services. The workman, therefore, filed a formal application before us that the order of suspension should be cancelled and that the Bank should be directed to reinstate him in service and also pay him his salary and allowances. We have heard both the applications together.

In view of the acquittal of the workman as a result of the judgment of the Criminal Court, and in view of the fact that there is no attempt to prove the alleged charge against him by any further evidence before us, we must direct his reinstatement and we accordingly orally informed the Bank to take him back in service.

The further question that remains is whether his full salary and allowances during the period of suspension of about 10 months should be paid to him. It was in connection with an incident which took place elsewhere than on the Bank premises that the employee was arrested by the Police, presumably after investigation. It was not at the instance of the Bank that the prosecution was lodged. There is nothing on record to justify the contention of the workman that the Bank was accentuated by any ill-will or malice against him in the matter of his suspension. We are of opinion that the action of the Bank in suspending him cannot be said to be otherwise than in good faith. It is unfortunate that the workman should have got himself involved in circumstances which led to his arrest by the Police. Visits to the race course are not always profitable and sometimes, as has proved in this case, turn out to be harmful in an unexpected way. The consequences of this prosecution should not be visited solely upon the Bank. We have also considered the various circumstances set out in the judgment of the Magistrate in relation to this incident at the race course which formed the subject matter of the prosecution. Taking all the circumstances of the case together, we are of opinion that the proper order to pass is to direct the Bank to cancel the suspension order, to reinstate the workman in his post and to pay him one-half of the salary and allowances which would have been payable to him during the period of his suspension. The workman will also have the benefit of continuity of service without the break caused by the order of suspension.

(Sd.) S. PANCHAPAGESA SASTRY, *Chairman.*

(Sd.) M. L. TANNAN, *Member.*

(Sd.) V. L. D'SOUZA, *Member.*

BOMBAY;

The 27th January 1953.

[No. LR.100(21).]

P. S. EASWARAN, Under Secy.